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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2313 OF 2007

Rafique Ahmed Alimiya Killedar Applicant
versus
State of Maharashtra & anr. Respondents

Mr.Ganesh Gole for applicant.
Mr.S.S.Pednekar, APP for respondent no.1.
Mr.Swapnil L. Wagh for respondent no.2.

CORAM : V.C.DAGA, J.

DATE : 18th July 2007

PC :

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for respondent no.2-original complainant.

2. By consent of the learned counsel appearing for the parties reasons in support of this order are dispensed with. Without examining the merits or de-merits of the impugned order, by consent, the same is set aside and the matter is remitted back to the learned Sessions Court for consideration afresh as the applicant had no opportunity to make his submissions before the

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learned Judge.

3. In the above view of the matter, the impugned order dated 11th July 2007 is set aside. Bail Application is restored to the file of City Sessions Court, Mumbai with a direction to hear and decide the same as expeditiously as possible and at any rate within three weeks from the date of receipt of a copy of this order.

4. I, by way of interim protection direct that the applicant shall not be arrested for a period of one week from today. In the mean while, the applicant may seek appropriate orders from the Sessions Court. It is made clear that all contentions of the parties are expressly kept open. Criminal Application is disposed of.

(V.C.DAGA, J.)